

September 15, 1997

**DURHAM, NORTH CAROLINA
MONDAY, SEPTEMBER 15, 1997
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: Council Member Engelhard.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk.

City Manager Ewell gave a report to Council regarding the Police Internal Affairs Investigation. City Manager Ewell stated he would explore the possibility of establishing a citizens review board to consider police complaints. He noted he would submit a recommendation to council in November.

MOTION by Council Member Miller seconded by Council Member Cox to receive the report from the City Manager and to ask the City Manager to report back to council on improved procedures and the establishment of a citizens review board was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

City Manager Ewell informed the council that the public information forums on the proposed livable wage were scheduled for Tuesday, October 28, 1997, 7:30 p.m., Campus Hill Recreation Center and Thursday, November 13, 1997, 7:30 p.m., Edison Johnson Recreation Center.

There were no priority items from the City Attorney/City Clerk.

The Mayor announced that a Joint City-County Committee Meeting was scheduled on Monday, September 29, 1997 at 5:30 p.m., County Commissioners' Meeting Room.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. It was noted that Consent Item 7 [Walltown School]

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was removed from the Consent Agenda at the Committee-of-the-Whole Meeting.

MOTION by Council Member Clement seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

[CONSENT AGENDA]

SUBJECT: WORKFORCE DEVELOPMENT BOARD/PRIVATE INDUSTRY COUNCIL APPOINTMENTS

MOTION by Council Member Clement seconded by Council Member Miller to re-appoint Wayne Beverly and Thomas J. White (public sector representatives), Reyn Bowman (Convention and Visitors Bureau representative), Roger Gregory (private sector representative) and to appoint Kimberly Matthews and Edgar Murphy (private sector representatives--from list recommended by the Greater Durham Chamber of Commerce) to the Workforce Development Board/Private Industry Council for terms to expire June 30, 1998 was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: MEMORANDUM OF AGREEMENT FOR BASKETBALL LEAGUE SERVICES WITH HOUSING AUTHORITY FOR BASKETBALL LEAGUE PROGRAM

MOTION by Council Member Clement seconded by Council Member Miller to authorize the City Manager to enter into an Agreement with the Housing Authority of the City of Durham for the implementation of the Housing Authority Basketball League Program and to receive the sum of \$5,500 from the Housing Authority for the City's cost to provide this program was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: MEMORANDUM OF AGREEMENT FOR BASEBALL LEAGUE SERVICES WITH HOUSING AUTHORITY FOR DURHAM BULLS BASEBALL LEAGUE

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MOTION by Council Member Clement seconded by Council Member Miller to authorize the City Manager to enter into an Agreement with the Housing Authority of the City of Durham for the implementation of the Durham Bulls Baseball League Program and to receive the sum of \$16,500 from the Housing Authority for the City's cost to provide this program was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: AUTHORIZATION FOR EXPENDITURE OF CITY BOND FUNDS FOR ARCHITECTURAL SERVICES FOR ST. JOSEPH'S CHURCH

MOTION by Council Member Clement seconded by Council Member Miller to authorize the expenditure of \$89,500 of City 1996 Bond Funds for architectural services for St. Joseph's Church subject to execution of a Standard Municipal Grant Agreement was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: APPROVAL OF FISCAL YEAR 1997-98 PLANNING DEPARTMENT WORK PROGRAM

MOTION by Council Member Clement seconded by Council Member Miller to approve the Planning Department's Fiscal Year 1997-98 Work Program was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: LIVING WAGE PROPOSAL - PUBLIC INFORMATION PLAN

MOTION by Council Member Clement seconded by Council Member Miller to approve in concept the Public Information Plan from the Administration relating to the proposed Living Wage Ordinance; and

To receive additional information from the Administration regarding Public Information Forums relating to the proposed Living Wage Ordinance was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson,

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McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: DESIGNATION OF VOTING DELEGATES - ANNUAL CONGRESS OF CITIES, DECEMBER 2-6, 1997, PHILADELPHIA, PENNSYLVANIA

MOTION by Council Member Clement seconded by Council Member Miller to designate Councilmember Erick Larson voting delegate and Councilmembers Cynthia Brown and Tyrone Cox alternate voting delegates to attend the National League of Cities' Annual Business Meeting on Saturday, December 6, 1997 was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: DESIGNATION OF VOTING DELEGATES - NORTH CAROLINA LEAGUE OF MUNICIPALITIES ANNUAL CONVENTION, OCTOBER 19-21, 1997, RALEIGH, NORTH CAROLINA

MOTION by Council Member Clement seconded by Council Member Miller to designate Council Member Tyrone Cox voting delegate and Council Member Diane Wright alternate voting delegate to attend the North Carolina League of Municipalities Annual Business Meeting on Monday, October 20, 1997 was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: SITE PLAN APPROVAL - HERNDON ROAD COMMUNITY PROPERTIES, INC.

MOTION by Council Member Clement seconded by Council Member Miller to approve a site plan for Herndon Road/Community Properties, Inc. consisting of 137 single family lots with open space proposed on 53.72 acres, zoned PDR-406; F/J-B, MTC, and located on both sides of Herndon Road, between Crooked Creek and Wellington Forest Subdivision, south of NC 54 (Tax Map 525-1-14A) was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

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SUBJECT: WATER AND SEWER UTILITY STRATEGIC PLAN

MOTION by Council Member Clement seconded by Council Member Miller to receive a report from the Administration concerning progress on the development of a Water and Sewer Utility Strategic Plan was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: DURHAM SIGNAL SYSTEM UPGRADE PROJECT - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

MOTION by Council Member Clement seconded by Council Member Miller to adopt a resolution authorizing the City Manager to enter into a Municipal Agreement with the North Carolina Department of Transportation for the construction and upgrade of the Computerized Traffic Signal System at a cost to the City of Durham of \$2,365,400 was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8395

SUBJECT: SPEED LIMIT IN DESIGNATED SCHOOL ZONES

MOTION by Council Member Clement seconded by Council Member Miller to adopt an ordinance repealing Ordinance #4212 and Ordinance #4215; and

To adopt an ordinance establishing a maximum speed limit of 25 miles per hour in certain designated school zones was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11248

Ordinance #11249

SUBJECT: FAYETTEVILLE ROAD/BARBEE ROAD IMPROVEMENTS

MOTION by Council Member Clement seconded by Council Member Miller

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to receive and accept the report from the Administration;

To endorse the proposed improvements at Fayetteville Road and Barbee Road; and

To direct the Administration to bring to Council a Municipal Agreement for Fayetteville Road/Barbee Road Improvement upon completion of the design of the project was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: RIVER FOREST COMMUNITY TRAFFIC CONCERN

MOTION by Council Member Clement seconded by Council Member Miller to receive and accept the report from the Administration;

To adopt an ordinance to prohibit left turns from Omega Road onto Roxboro Street;

To adopt an ordinance to install a four-way stop at High Meadow Road and Omega Road; and

To adopt an ordinance to repeal that portion of Ordinance #4035 authorizing the existing stop signs on High Meadow Road was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11250

Ordinance #11251

Ordinance #11252

SUBJECT: HANDICAP PARKING ON CITY HALL PLAZA

MOTION by Council Member Clement seconded by Council Member Miller to receive and accept the report from the Administration;

To adopt an ordinance to repeal that portion (a) of Ordinance #9030 adopted August 20, 1990 which established certain 20-minute parking on the north side of City Hall Plaza;

To adopt an ordinance establishing handicap parking on City Hall Plaza;

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To direct the City Manager to address employee parking on City Hall Plaza;

To direct the Administration to educate the public concerning handicap parking; and

To direct the Administration to enhance enforcement of the handicap parking on City Hall Plaza--after proper notification has been given to employees and the public was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11253

Ordinance #11254

SUBJECT: AMENDED ORDINANCE TO PROMOTE CITY CONTRACTING WITH MINORITY AND WOMEN BUSINESS ENTERPRISES

MOTION by Council Member Clement seconded by Council Member Miller to adopt an Amended Ordinance to Promote City Contracting with Minority and Women Business Enterprises was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11255

SUBJECT: BIDS - LOADING AND HAULING WOOD MULCH, MAYO FARMS, INC.

MOTION by Council Member Clement seconded by Council Member Miller to accept the bid from Mayo Farms, Inc. in the amount of \$35,000 for loading and hauling wood mulch to the City landfill was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - FIDELITY DRIVE

MOTION by Council Member Clement seconded by Council Member Miller to adopt an ordinance establishing a 25 mph speed limit on

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Fidelity Drive from Fiske Street to Fidelity Drive was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11256

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - ROCK STREET

MOTION by Council Member Clement seconded by Council Member Miller to adopt an ordinance establishing a 25 mph speed limit on Rock Street from Morehead Avenue to the end of the cul-de-sac was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11257

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - SPRUCEWOOD DRIVE

MOTION by Council Member Clement seconded by Council Member Miller to adopt an ordinance to lower the speed limit from 35 mph to 25 mph on Sprucewood Drive from Springdale Drive to Willowdale Drive was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11258

SUBJECT: STREET ACCEPTANCE - EMILY AND PIPER STREETS

MOTION by Council Member Clement seconded by Council Member Miller to accept the following streets for maintenance by the City of Durham was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

- a. Emily Street - from the centerline of Piper Street northward thru the cul-de-sac (219')
- b. Piper Street - from the centerline of Allgood Street east to

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the centerline of Emily Street (960')

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Clement seconded by Council Member Miller to approve the six Time Payment Petitions as listed below was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

1. Catherine L. Cates - 809 Shay Drive - Sewer Lateral and Sewer Capital Facility Fee
2. George T. and Doris J. King - 118 S. Mineral Springs Road - Water Lateral, Water Main and Water Capital Facility Fee
3. Kenneth A. and Rita L. Magas - 2725 Umstead Road - Sewer Lateral and Sewer Capital Facility Fee
4. Leon D. and Clementine M. Parker - 714 Wortley Drive - Water Capital Facility Fee
5. L. J. and Sally F. Staunton - 3501 Pickett Road - Water Lateral
6. James R. and Candace B. Williamson - 1605 Stacy Drive - Sewer Lateral and Sewer Capital Facility Fee

SUBJECT: RESCINDING TIME PAYMENT PETITION - SEWER LATERAL AND SEWER CAPITAL FACILITY FEE AT 307 COUNTRY CLUB DRIVE

MOTION by Council Member Clement seconded by Council Member Miller to rescind City Council action of April 4, 1994, confirming a Time Payment Petition for a sewer lateral and a sewer capital facility fee at 307 Country Club Drive was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: WATER MAIN - COOK ROAD FROM TALL OAKS DRIVE TO SOUTH PROPERTY LINE OF TAX MAP 518-5-4 - SETTING PUBLIC HEARING TO CONSIDER ORDERING IMPROVEMENT

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MOTION by Council Member Clement seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the petition for water main on Cook Road from Tall Oaks Drive to south property line of Tax Map 518-5-4; and

To adopt a resolution setting a public hearing on Monday, October 6, 1997 to consider ordering the improvement was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: SEWER MAIN - GIBSON ROAD FROM REDGATE DRIVE TO WEST PROPERTY LINE OF TAX MAP 593-1-4 AND SEWER MAIN - PICKETT ROAD FROM COLONY ROAD TO U.S. 15-501 BYPASS - SETTING PUBLIC HEARING TO CONSIDER ORDERING IMPROVEMENTS UNDER THE ENABLING ACT AUTHORITY

MOTION by Council Member Clement seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, October 6, 1997 to consider ordering the following improvements under the Enabling Act Authority was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

- a. **Sewer Main - Gibson Road** from Redgate Drive to west property line of Tax Map 593-1-4
- b. **Sewer Main - Pickett Road** from Colony Road to U.S. 15-501 Bypass

SUBJECT: MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Clement seconded by Council Member Miller to approve the official minutes of the following City Council Meeting was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

August 18, 1997 - Regular Meeting
September 2, 1997 - Regular Meeting

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[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: CORRECTION OF AN ERROR ON AN ASSESSMENT ROLL - SEWER MAIN ON RIVERDALE DRIVE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution for the correction of an error on the assessment roll for Sewer Main on Riverdale Drive from Umstead Road to Hallmark Road; **Sunny Oak Place** from Riverdale Drive to cul-de-sac; **Hallmark Road** from Umstead Road to north property line of tax map 835-4-34; **Redding Lane** from Bayleaf Drive to east property line of tax map 835-3-15; **Bayleaf Drive** from Hallmark Road to cul-de-sac; **Bessemer Place** from Hallmark Road to cul-de-sac; **Fairoaks Road** from Riverdale Drive to north property line of tax map 835-4-4; **Ventura Drive** from Fairoaks Road to Brocton Place and **Trappers Court** from Riverdale Drive to cul-de-sac (corrects the frontage and the assessment for the property described as Trappers Court, part of Lot 31, tax map 820-4-31) was approved at 8:05 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: Sewer Main - Kinloch Drive from Kinloch Drive Outfall to Latta Road and **Latta Road** from Kinloch Drive to Womack Drive - Ordering Improvement under Enabling Act Authority

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution ordering sewer main improvements on Kinloch Drive from Kinloch Drive Outfall to Latta Road and Latta Road from Kinloch Drive to Womack Drive under the Enabling Act Authority was approved at 8:05 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller

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and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: EXTENSION OF 1990 REFERENDUM AUTHORITY

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to receive citizens' comments on the "Questions of Whether the Maximum Time Period for Issuing Bonds Under Orders Authorizing \$83,375,000 Sanitary Sewer Bonds, \$7,000,000 Street Bonds, \$15,000,000 Housing Bonds, \$45,200,000 Solid Waste Disposal Bonds, \$3,365,000 Park and Recreational Facility Bonds and \$3,200,000 Urban Trail and Greenway Bonds, Which Took Effect on November 6, 1990, Should Be Extended from Seven Years to 10 Years After Such Date"; and

To adopt an "Order Authorizing an Extension of the Period During Which the City of Durham, North Carolina May Issue Bonds Pursuant to Orders Authorizing \$83,375,000 Sanitary Sewer Bonds, \$7,000,000 Street Bonds, \$15,000,000 Housing Bonds, \$45,200,000 Solid Waste Disposal Bonds, \$3,365,000 Park and Recreational Facility Bonds and \$3,200,000 Urban Trail and Greenway Bonds" was approved at 8:05 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11259

SUBJECT: EAGLES POINTE PETITION ANNEXATION

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the Eagles Pointe Annexation Petition submitted by Barringer Enterprises, Inc. consisting of 43.53 acres non-contiguous to the City Limits located on the east side of NC Highway 751 south of I-40; and

To adopt "An Ordinance Annexing to the City of Durham an Area

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Hereinafter Described Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Eagles Pointe Subdivision)" was approved at 8:04 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11260

SUBJECT: 1996-97 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM PERFORMANCE EVALUATION

To receive citizens' comments and to evaluate the progress and performance of the 1996-97 Durham Community Development Block Grant Program.

Paul Joyner, of the City/County Planning Department, briefed the council and citizens on the purpose of the hearing.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mickey Brown, Vice Chair of Citizens' Advisory Committee, commended the staff on an outstanding job.

Martin Hahn, representing the Durham Community Land Trustees, spoke on the West End improvements. He questioned the timeframe for paving Gattis Street.

Audrey Mitchell, representing the Walltown Neighborhood, thanked the administration for their support of Walltown in the past.

Mayor Kerckhoff closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Griffin to receive citizens' comments and to evaluate the progress and performance of the 1996-97 Durham Community Development Block Grant Program was approved at 8:20 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: STREET CLOSING (SC97-5) - 9,900± SQUARE FEET OF VANESSA DRIVE, SOUTH OF RIDDLE ROAD

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the closing of 9,900± square feet of Vanessa Drive, south of Riddle Road; and

To adopt an "Order Permanently Closing 9,900± Square Feet of Vanessa Drive, South of Riddle Road" was approved at 8:20 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11261

SUBJECT: PROPOSED AMENDMENTS TO THE DURHAM URBAN TRAILS AND GREENWAYS MASTER PLAN

To receive citizens' comments on the proposed amendments to the Durham Urban Trails and Greenways Master Plan.

To approve the proposed amendments to the Durham Urban Trails and Greenways Master Plan.

Bonnie Estes, of the City/County Planning Department, presented a slide presentation regarding the proposed amendments. She noted changes are recommended in three areas of the Master Plan: 1) American Tobacco Trail (near I-40); 2) American Tobacco Trail-Third Fork Creek Link; and 3) Leigh Farm-Chapel Hill Links.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

The following individuals spoke in support of the proposed amendments to the Durham Urban Trails and Greenways Master Plan: Pam Blyth; Beth Timson; Rick Burt; Tom Mappes; Christine Olka; Derrick Leach; and R. Kelly Bryant, Jr.

John Best, Jr., a resident of Durham, noted that several bonds had been passed but few trails have been built due to neighborhood opposition relative to crime, loss of privacy, and because the City Council has given the city staff the power to condemn land for trails when negotiations with land owners fail. He stated he

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did support greenways open space and trails and asked the elected officials, with the help of the staff, to pay close attention to the concerns of the neighborhoods who are paying the bill.

Mayor Kerckhoff closed the public hearing.

Relative to the progress of additional trails, Paul Norby, of the City/County Planning Department, stated plans are being implemented currently within the next year to triple the number of miles of trails. Mr. Norby also noted that the quote "the council has given the staff the power to condemn for trails" was inaccurate. He stated all condemnations would come before the City Council.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed amendments to the Durham Urban Trails and Greenways Master Plan; and

To approve the proposed amendments to the Durham Urban Trails and Greenways Master Plan was approved at 8:59 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: ZONING MATTER CASE P97-48, EXTENDED STAY AMERICA, NC 55 SOUTH OF NC 54, NORTH OF SEDWICK ROAD

Case: P97-48

Applicant: Extended Stay America

Location: 2.12 acres of a larger tract on western side of NC 55, (adjacent to recent Golden Corral rezoning request) south of NC 54, north of Sedwick Road (Tax Map 541, Block 1, Lot 7 partial, 7A partial)

Request: Rezoning from RD (Rural District) and NC (Neighborhood Commercial) to OI-2(D) (General Office and Institutional with a Development Plan); F/J-B.

To adopt a ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and NC and placing same in and establishing same as OI-2(D); F/J-B.

Zoning Committee's Recommendation: Approval (Vote 7-0)

City Manager's Recommendation: Approval

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Shelia Stains-Ramp, of the City/County Planning Department, noted that the developer has made arrangements for deeds to transfer the property between the present owner and the hotel; therefore, they will not be required to come before the Board of Adjustment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Attorney Jack Markham, representing the applicant, spoke in support of the rezoning request.

No one spoke in opposition. The public hearing was closed by the Mayor.

MOTION by Council Member Clement seconded by Mayor Pro Tem Robinson to adopt a ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and NC and placing same in and establishing same as OI-2(D); F/J-B was approved at 9:07 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: ZONING MATTER CASE P97-55, GREGORY GLATZ, 715 RUTHERFORD STREET

Case: P97-55

Applicant: Gregory Glatz

Location: The 0.288 acre site is located at 715 Rutherford Street (Tax Map 47, Block 1, Lot 15).

Request: Rezoning from R-3 (Residential 3 District) to OI-1 (Transitional Office and Institution District)

To adopt a ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above property out of R-3 and placing same in and establishing same as OI-1.

Zoning Committee's Recommendation: Approval (Vote 7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Gregory Glatz, the applicant, spoke in support of the request.

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No one spoke in opposition. The public hearing was closed by the Mayor.

MOTION by Council Member Larson seconded by Council Member Clement to adopt a ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above property out of R-3 and placing same in and establishing same as OI-1 was approved at 9:09 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: WALLTOWN SCHOOL

To receive a report from the City Manager concerning the possibility of a 60-day in-house feasibility study for use of the Walltown School building for senior citizen housing.

The following residents of the Walltown Neighborhood spoke in support of the Walltown School being utilized for senior citizen housing and the approval of a feasibility study: Bell Bradshaw; Wilma Holmes; Annie Mae Melvin; Estelle Collins; and Randy Mangum.

Also, Mr. Mangum asked the council to release \$25,000 of CDBG funds which has already been allocated to Walltown for the purpose of paying for the feasibility study for the Walltown School. He noted that Mr. Murray Goole was very capable to conduct the feasibility study within the timeframe given.

Murray Goole, representing Affordable Housing Advisors, stated he inspected the Walltown School twice at great length and there seem to be no physical characteristic such as structural deficiency or no significant environmental problems that older schools have. He noted at present it appears that the school could be converted into 20-25 one-bedroom housing units depending on the strategy taken relating to the auditorium. He stated he plans to have a general contractor, along with the architect and himself, visit the site within the next 10 days. Mr. Goole stated they would be able to have a thorough feasibility study within 30 days rather than 60 days.

Rev. Luther Brooks, Pastor of St. James Baptist Church, noted the the following 1) the County did not recommend the feasibility study; 2) the County recommended that the school be placed on the market for upset bid; and 3) the Durham County Commissioners had

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great concern relative to someone being able to renovate or occupy the school quickly. Rev. Brooks agreed that senior citizen housing was vital to the community and if St. James Baptist Church acquired the school, they would give first option to purchase their present facility to the Walltown Community Association for senior citizen housing.

At this time, Mayor Kerckhoff asked administration to respond to Mr. Goole's comments.

Kendall Abernathy, of the Housing Department, stated that the timeframe was set by the County Commissioners relative to the sell of their property. She noted if Mr. Goole can provide the association with the information they need she would encourage the association to proceed and let the County Commissioners make an informed decision about what they would want to do with their property which would not have an impact on the city at all.

Council Member Larson raised concern regarding the notice for upset bid being advertised by the county and the request for CDBG funds to be used for the feasibility study.

Kendall Abernathy stated the block grant rules do not require a bid; however, you cannot spend money on work that has already been done.

Council Member Larson asked for clarification on the upset bid status and if a bid from the neighborhood association had already been received.

Council Member Hyman stated nothing happens until the County Commissioners vote to accept a bid which they have not done.

Council Member Wright noted there was a different process for the church vs. the neighborhood association relative to bids.

Kendall Abernathy, of the Housing Department, stated in order for a church to purchase public property they would utilize the upset bid process; however, for a 501C3 they can negotiate directly with the local government to purchase the property.

Mayor Kerckhoff asked for clarification on the request by Randy Mangum to release \$25,000 of CDBG funds.

Murray Goole stated his organization would be providing the feasibility study for the Walltown School without any city funding. He noted the only thing he needed from City of Durham was cooperation of information.

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A motion was made by Council Member Hyman to direct the City Manager to offer any assistance necessary [staff support] for getting the feasibility study completed on time and to submit to council the schedule of bond funds expenditures. This motion was seconded by Council Member Wright.

Council Member Wright requested a friendly amendment to the motion "administration find out if any CDBG funds can be allocated for this project."

Council Member Hyman accepted the friendly amendment.

Several Council Members spoke in support of the Walltown School being utilized for senior citizen housing and asked the City Manager to inform the County of the City Council's support.

MOTION by Council Member Hyman seconded by Council Member Wright to direct the City Manager to offer any assistance necessary [staff support] for getting the feasibility study completed on time; and

To direct the City Manager to submit to council the schedule of bond funds expenditures [contingent on the County of Durham accepting the Walltown Neighborhood Proposal]; and to ask the administration to find out if any CDBG funds can be allocated for this project was approved at 9:50 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

[OTHER MATTERS]

SUBJECT: DURHAM BULLS ATHLETIC BALLPARK EXPANSION - DOWNTOWN DEVELOPMENT AGREEMENT

Council Member Cox raised concern relative to the possibility of the city spending more than \$1,729,387.00 for the expansion of the ballpark.

MOTION by Council Member Larson seconded by Council Member Hyman to adopt a resolution finding the Ballpark Expansion and Office Building construction to be an Urban Development and Downtown Development Project, determining that the price to be paid for the Ballpark Expansion is reasonable, approving the Project Development Agreement, and related matters;

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To adopt a "Resolution to Exempt the Ballpark Expansion Office Building Project from the Provisions of G. S. 143-64.31"; and

To adopt a "City of Durham Capital Project Ordinance Durham Bulls Athletic Park Expansion" was approved at 10:16 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson and McKissick. Noes: Council Members Cox, Miller and Wright. Absent: Council Member Engelhard.

Resolution #8396

Resolution #8397

Ordinance #11262

**SUBJECT: PROPOSED LEASE OF PROPERTY AT 119-121 ORANGE STREET
(ORANGE STREET MALL) - JAMES H. HANNA, JR.**

To approve and authorize the City Manager to execute a lease agreement with James H. Hanna, Jr. for property at 119-121 Orange Street.

MOTION by Council Clement seconded by Council Member Hyman to continue this item until the October 6, 1997 City Council Meeting [to be discussed at the September 25, 1997 Finance Committee Meeting] was approved at 10:16 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: TRINITY PARK TRAFFIC CONCERNS

MOTION by Council Member Wright seconded by Council Member Griffin to receive a report from the Administration;

To direct the Administration to install traffic circles at the intersection of Knox Street/Dollar Avenue and Englewood Avenue/Dollar Avenue pending receipt of valid petitions and a commitment from the neighborhood of \$2,000 toward the construction of these two traffic circles;

To authorize the remaining costs for construction of the traffic circles to be funded by the City; and

To direct the Administration to study this pilot project for one

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year after installation and to report its findings back to Council at the end of that time was approved at 10:16 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

[SUPPLEMENTAL AGENDA]

SUBJECT: LICENSE AGREEMENT WITH NORTH CAROLINA CENTRAL UNIVERSITY

MOTION by Council Member Larson seconded by Council Member Wright to authorize the City Manager to execute a License Agreement with North Carolina Central University for electrical conduit across Cecil Street was approved at 10:17 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

There being no further business to come before the Council, the meeting was adjourned at 10:18 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk